

1-1 By: Elkins, et al. (Senate Sponsor - Williams) H.B. No. 1353
1-2 (In the Senate - Received from the House April 19, 2011;
1-3 April 26, 2011, read first time and referred to Committee on
1-4 Transportation and Homeland Security; May 13, 2011, reported
1-5 favorably by the following vote: Yeas 8, Nays 0; May 13, 2011, sent
1-6 to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to speed limits.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 545.352(b), Transportation Code, as
1-12 amended by Chapters 663 (H.B. 385), 739 (H.B. 1075), and 1346 (H.B.
1-13 676), Acts of the 76th Legislature, Regular Session, 1999, is
1-14 reenacted and amended to read as follows:

1-15 (b) Unless a special hazard exists that requires a slower
1-16 speed for compliance with Section 545.351(b), the following speeds
1-17 are lawful:

1-18 (1) 30 miles per hour in an urban district on a street
1-19 other than an alley and 15 miles per hour in an alley;

1-20 (2) ~~except as provided by Subdivision (4), 70 miles~~
1-21 ~~per hour [in daytime and 65 miles per hour in nighttime if the~~
1-22 ~~vehicle is a passenger car, motorcycle, passenger car or light~~
1-23 ~~truck towing a trailer bearing a vessel, as defined by Section~~
1-24 ~~31.003, Parks and Wildlife Code, that is less than 26 feet in~~
1-25 ~~length, passenger car or light truck towing a trailer or~~
1-26 ~~semitrailer used primarily to transport a motorcycle, or passenger~~
1-27 ~~car or light truck towing a trailer or semitrailer designed and used~~
1-28 ~~primarily to transport dogs or livestock,] on a highway numbered by~~
1-29 ~~this state or the United States outside an urban district,~~
1-30 ~~including a farm-to-market or ranch-to-market road;~~

1-31 (3) ~~except as provided by Subdivision (4), 60 miles~~
1-32 ~~per hour [in daytime and 55 miles per hour in nighttime if the~~
1-33 ~~vehicle is a passenger car or motorcycle] on a highway that is~~
1-34 ~~outside an urban district and not a highway numbered by this state~~
1-35 ~~or the United States;~~

1-36 (4) ~~[60 miles per hour outside an urban district if a~~
1-37 ~~speed limit for the vehicle is not otherwise specified by this~~
1-38 ~~section, or~~

1-39 ~~[(5)]~~ outside an urban district:

1-40 (A) 60 miles per hour if the vehicle is a school
1-41 bus that has passed a commercial motor vehicle inspection under
1-42 Section 548.201 and is on a highway numbered by the United States or
1-43 this state, including a farm-to-market road; or

1-44 (B) 50 miles per hour if the vehicle is a school
1-45 bus that:

1-46 (i) has not passed a commercial motor
1-47 vehicle inspection under Section 548.201; or

1-48 (ii) is traveling on a highway not numbered
1-49 by the United States or this state; ~~or~~

1-50 ~~[(C) 60 miles per hour in daytime and 55 miles per~~
1-51 ~~hour in nighttime if the vehicle is a truck, other than a light~~
1-52 ~~truck, or if the vehicle is a truck tractor, trailer, or~~
1-53 ~~semitrailer, or a vehicle towing a trailer other than a trailer~~
1-54 ~~described by Subdivision (2), semitrailer, another motor vehicle or~~
1-55 ~~towable recreational vehicle,]~~

1-56 (5) on a beach, 15 miles per hour; or

1-57 (6) on a county road adjacent to a public beach, 15
1-58 miles per hour, if declared by the commissioners court of the
1-59 county.

1-60 SECTION 2. Section 545.352, Transportation Code, is amended
1-61 by adding Subsection (e) to read as follows:

1-62 (e) An entity that establishes or alters a speed limit under
1-63 this subchapter shall establish the same speed limit for daytime
1-64 and nighttime.

2-1 SECTION 3. Sections 545.353(d), (h), and (h-1),
 2-2 Transportation Code, are amended to read as follows:

2-3 (d) Except as provided by Subsection (h-1) [~~(h)~~], the
 2-4 commission may not:

2-5 (1) modify the rules established by Section
 2-6 545.351(b);

2-7 (2) establish a speed limit of more than 75 [~~70~~] miles
 2-8 per hour; or

2-9 (3) increase the speed limit for a vehicle described
 2-10 by Section 545.352(b)(4) [~~545.352(b)(5)~~].

2-11 (h) Notwithstanding Section 545.352(b), the commission may
 2-12 establish a speed limit of 75 miles per hour [~~in daytime~~] on a part
 2-13 of the highway system if [+

2-14 [~~(1)~~] the commission determines that 75 miles per hour
 2-15 [~~in daytime~~] is a reasonable and safe speed for that part of the
 2-16 highway system[+ and

2-17 [~~(2) that part of the highway is located in a county
 2-18 with a population density of less than 15 persons per square mile].~~

2-19 (h-1) Notwithstanding Section 545.352(b), the commission
 2-20 may establish a speed limit of 80 miles per hour [~~in daytime~~] on a
 2-21 part of Interstate Highway 10 or Interstate Highway 20 in Crockett,
 2-22 Culberson, Hudspeth, Jeff Davis, Kerr, Kimble, Pecos, Reeves,
 2-23 Sutton, or Ward County if the commission determines that 80 miles
 2-24 per hour [~~in daytime~~] is a reasonable and safe speed for that part
 2-25 of the highway.

2-26 SECTION 4. Section 545.354(e), Transportation Code, is
 2-27 amended to read as follows:

2-28 (e) The authority may not:

2-29 (1) alter the general rule established by Section
 2-30 545.351(a); or

2-31 (2) establish a speed limit of more than 75 [~~70~~] miles
 2-32 per hour.

2-33 SECTION 5. Section 545.355(e), Transportation Code, is
 2-34 amended to read as follows:

2-35 (e) The commissioners court of a county with a population of
 2-36 more than 2.8 million may establish from the results of an
 2-37 engineering and traffic investigation a speed limit of not more
 2-38 than 75 [~~70~~] miles per hour on any part of a highway of that county
 2-39 that is a limited-access or controlled-access highway, regardless
 2-40 of the location of the part of the highway.

2-41 SECTION 6. Sections 545.356(a) and (b), Transportation
 2-42 Code, are amended to read as follows:

2-43 (a) The governing body of a municipality, for a highway or
 2-44 part of a highway in the municipality, including a highway of the
 2-45 state highway system, has the same authority to alter by ordinance
 2-46 prima facie speed limits from the results of an engineering and
 2-47 traffic investigation as the Texas Transportation Commission on an
 2-48 officially designated or marked highway of the state highway
 2-49 system. The governing body of a municipality may not modify the
 2-50 rule established by Section 545.351(a) or establish a speed limit
 2-51 of more than 75 [~~60~~] miles per hour.

2-52 (b) The governing body of a municipality, for a highway or
 2-53 part of a highway in the municipality, including a highway of the
 2-54 state highway system, has the same authority to alter prima facie
 2-55 speed limits from the results of an engineering and traffic
 2-56 investigation as the commission for an officially designated or
 2-57 marked highway of the state highway system, when the highway or part
 2-58 of the highway is under repair, construction, or maintenance. A
 2-59 municipality may not modify the rule established by Section
 2-60 545.351(a) or establish a speed limit of more than 75 [~~60~~] miles per
 2-61 hour.

2-62 SECTION 7. Section 545.358, Transportation Code, is amended
 2-63 to read as follows:

2-64 Sec. 545.358. AUTHORITY OF COMMANDING OFFICER OF UNITED
 2-65 STATES MILITARY RESERVATION TO ALTER SPEED LIMITS. The commanding
 2-66 officer of a United States military reservation, for a highway or
 2-67 part of a highway in the military reservation, including a highway
 2-68 of the state highway system, has the same authority by order to
 2-69 alter prima facie speed limits from the results of an engineering

3-1 and traffic investigation as the Texas Transportation Commission
3-2 for an officially designated or marked highway of the state highway
3-3 system. A commanding officer may not modify the rule established by
3-4 Section 545.351(a) or establish a speed limit of more than 75 [~~60~~]
3-5 miles per hour.

3-6 SECTION 8. Section 545.362(a), Transportation Code, is
3-7 amended to read as follows:

3-8 (a) Subject to Subsection (c), the Texas Transportation
3-9 Commission may enter an order establishing prima facie speed limits
3-10 of not more than 75 [~~70~~] miles per hour applicable to all highways,
3-11 including a turnpike under the authority of the Texas Turnpike
3-12 Authority or a highway under the control of a municipality or
3-13 county. An order entered under this section does not have the
3-14 effect of increasing a speed limit on any highway.

3-15 SECTION 9. Section 545.353(i), Transportation Code, is
3-16 repealed.

3-17 SECTION 10. As soon as practicable after the effective date
3-18 of this Act, the Texas Department of Transportation shall conceal
3-19 or remove speed limit signs that do not comply with Section 545.352,
3-20 Transportation Code, as amended by this Act, and erect appropriate
3-21 signs.

3-22 SECTION 11. This Act takes effect September 1, 2011.

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